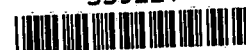


339227



June 10, 1981

Francis X. Journaick, Esq.
Wilentz, Goldman & Spitzer, P.C.
900 Route 9
Box 10
Woodbridge, New Jersey 07095

Re: Duane Marine Corporation, Scheduling of
Hearing Pursuant to 40 C.F.R. Part 116
Docket No. OH-II-79-66

Dear Mr. Journaick:

Please be advised that a hearing has been scheduled in the above-referenced matter for July 20, 1981 at 10:30 a.m. in Room 437E, at EPA's Regional offices at the above address. The issues to be heard will be those which you raised in your hearing request of December 26, 1979, as well as the issue of the appropriate amount of penalty to be assessed in connection with the violations which EPA alleged in its Notice of Violation.

Under the hearing procedure, EPA staff counsel will present evidence to support the \$10,000.00 penalty assessment set forth in the Notice of Violation. However, the Hearing Officer may make an independent determination to increase the amount of the assessment, to decrease it, or to eliminate it entirely, based upon the evidence presented.

Because of the scheduling effort and expense to the United States involved in securing availability and preparation of EPA's witnesses, coordinating hearing room availability and Hearing Officer's time, and scheduling the appearance of the court reporter under a federal procurement contract, I would appreciate at least several days advance notice if, for any reason, you and your client will be unable to appear or if a firm acceptance of and performance upon the terms of the Settlement Agreement sent to you under cover of my February 4, 1981 letter can be guaranteed prior to the July 20, 1981 hearing date.

Sincerely yours,

Henry Cluckstern
Attorney
Enforcement Division

cc: ✓ Michael Polito
Paul Birmingham

Regional Clerk
Region II EPA

37